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10/616,994	07/11/2003	Uwe Folchert	202-064	2777

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,994

Applicant(s)

FOLCHERT

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2, 3, and 9 are objected to because of the following informalities:
 - In line 17 of claim 2 Applicant recited the limitation of "at least two switching states", in lines 42-43 of claim 2 Applicant recited "a first switching state" and in line 70 "a second switching state". If Applicant intends for the first and second switching states to form a part of the at least two switching states recited in line 17 of the claim, Examiner recommends the use of such language in lines 42-43 as --at least two switching states including a first switching state and a second switching state--. Then, lines 42-43 may read --said first switching state-- and line 70 may read --said second switching state--;

Appropriate correction is required. The remaining claims are objected to due to their dependency from claim 2.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 4. It is unclear to the Examiner whether the "first and second pressurized medium supply vessels" recited in the last line of the claim are intended to

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be the same or different from the "pressurized medium supply vessel means recited in line 6 of claim 1. Clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4858895 to Buma et al.

Re: claims 1, 4, 6, and 10. Buma et al. show in figure 1 a closed level control system for a vehicle having a vehicle body, vehicle axles and pressurized medium chambers with which the vehicle body is suspended relative to corresponding ones of said vehicle axles, the closed level control system comprising: pressurized medium supply vessel means having first and second pressurized medium spaces 33,34 for holding a medium under pressure as a pressurized medium; said first and second pressurized medium spaces having no direct connection therebetween as shown; a compressor 3 for transferring said pressurized medium between said pressurized medium supply vessel means 33,34 and said pressurized medium chambers 50,50FR; said compressor having an input 1 and an output 2; first (35) and second (5) controllable directional valves and each one of said valves having at least two switching states; and, said first controllable directional valve 35 being switchable to connect either

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said first pressurized medium space or, alternatively, said second pressurized medium space (particularly the first pressurized medium space 33) to either said compressor input or, alternatively, to said compressor output (particularly the compressor output) so that pressurized medium from said pressurized medium chambers can be either transferred into said first pressurized medium space or, alternatively, into said second pressurized medium space or pressurized medium can be transferred from either said first pressurized medium space or, alternatively, from said second pressurized medium space to said pressurized medium chambers (particularly, pressurized medium can be transferred from said first pressurized medium space to the pressurized medium chambers as disclosed in col. 5 lines 25-27 and in col. 6 lines 34-36).

Re: claim 5. Buma et al. disclose the limitation wherein the first and second pressurized medium spaces have different pressure levels specifically high (vessel 33) and low (vessel 34) pressure levels.

Re: claim 7. Buma et al. show in figure 1 the system further comprising an additional air line 45,40R connected into the pressurized air line 41,43 of the system to facilitate control of an external apparatus 50RL utilizing the pressure in at least one of the first and second pressurized medium spaces, and the residual pressure in the other one of the pressurized medium spaces being available to execute a level change of the level control system directly after the external control operations to the same extent as Applicant's.

Re: claim 11. Buma et al. show the method comprising the steps of: providing an air dryer 7 in the fourth pressurized air line on which element 7 is located, transferring

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pressurized medium from the air dryer sequentially into the first pressurized medium space or into the second pressurized medium space with the pressurized medium space being at a pressure higher than the actual compression end pressure of the compressor, and utilizing the compressor to draw pressurized medium from the second or the first pressurized medium space, which is not to be filled, and to transfer the pressurized medium into the air dryer when the first or the second pressurized medium space is not connected to the air dryer or no pressurized medium from the air dryer is transferred into the first or the second pressurized medium space to the same extent as Applicant's.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buma et al. in view of US Patent 4015859 to Hegel et al.

Buma et al. describe the invention substantially as set forth above, but do not include the limitation of an external apparatus being a tire-inflating device. Hegel et al. teaches in col. 2 lines 42-43 the use of an air in a level control system being used to control an external apparatus in the form of a tire inflating device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vehicle of Buma et al. to have included an external apparatus in the form of

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a tire inflating device, as taught by Hegel et al. in order to use the pressurized air in a way to enhance vehicle ride feel by maintaining adequate tire pressure.

Allowable Subject Matter

8. Claims 2, 3, and 9 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Buma et al. fail to show or suggest the first, second, third, and fourth lines being blocked or unblocked with respect to the switching states of the directional valves as recited in claim 2.

Response to Arguments

9. Applicant's arguments filed 2/7/05 have been fully considered but they are not persuasive. Applicant argues that "at no time can both medium spaces be simultaneously connected to the compressor". Examiner notes that the argument is more specific than the claim language. Claim 1 is filled with several alternatives. For example, to overcome Applicant's claim 1 a prior art reference can have a first controllable directional valve being switchable to connect the first pressurized medium space to the compressor input, a first controllable direction valve being switchable to connect the first pressurized medium space to the compressor output, a first controllable direction valve being switchable to connect the second pressurized space to the compressor input, or a first controllable direction valve being switchable to connect the second pressurized space to the compressor output. Buma clearly shows one of the alternatives in the figure. Particularly, Buma shows the alternative wherein the first controllable valve 35 is switchable to connect the first pressurized space 33,33R

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to the compressor output 2 so that pressurized medium can be transferred from the first pressurized medium space to the pressurized medium chambers 50,50FR. The limitation is also clearly disclosed in col. 5 lines 25-27 and in col. 6 lines 34-36.

With regards to the connection between the two pressurized medium spaces, Examiner maintains that there is no direct connection between the pressurized medium spaces of Buma in the same sense that there is no direct connection between the spaces of Applicant's invention. Buma shows pressurized medium spaces 33 and 34 indirectly (not directly) connected via valve 35 to the same extent that Applicant shows pressurized medium spaces 12 and 13 indirectly (not directly) connected via valve 56a.

The arguments regarding valve 5 are moot in view of the use of the alternate interpretation of Buma utilizing valve 35 as the first controllable directional valve.

In light of the above responses to Applicant's arguments, the rejections have been maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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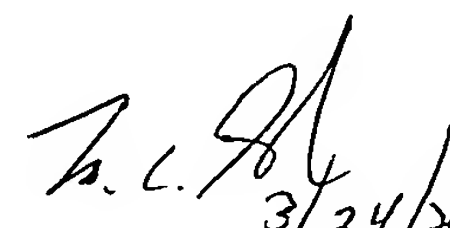
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/24/2005
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